

MINUTES
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
UTAH WATER QUALITY BOARD MEETING

Dixie Convention Center - Sunbrook A & B
1835 Convention Center Drive
St. George, Utah
May 7, 2001
8:45 a.m.

UTAH WATER QUALITY BOARD MEMBERS PRESENT

K.C. Shaw, Chair
Ray M. Child
Mayor Thompson
Robert G. Adams

Mayor Cushing
J. Ann Wechsler
Nan W. Bunker
Dianne Nielson

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT

Don Ostler, Faye Bell, Walter Baker, Julie Argyle, Tim Beavers, Fred Pehrson, Nancy Hess, Paul Krauth, Mark Schmitz & Shelly Quick

OTHERS PRESENT

<u>Name</u>	<u>Organization Representing</u>
Gordon Champeys	Certification Board
Jon Adams	Salt Lake City Corporation
Brett Borup	BYU - WEAU
Steve Nelson	CPS - SLC
Evelyn Nelsen	Salina City
Reid Fisher	Central Valley Water
Wayne Thomas	DEQ District Engineer
Jim Olson	Stantec Consulting
Rex Ausburn	Pentacore Resources
Dennis McCormick	Snyderville Basin S.I.D.
Alton Anderson	Sunrise Engineering
Doug Nielson	Sunrise Engineering
John Chartier	Sunrise Engineering
Greg Fredde	Utah Mining Assn
Tom Bingham	Utah Manufacturers Assn

Brett Borup, President of WEAU, welcomed the Water Quality Board and visitors to the Annual WEAU Conference.

Chairman Shaw called the Board meeting to order at 8:45 a.m. He welcomed those in attendance and invited the members of the audience to introduce themselves.

APPROVAL OF MINUTES OF THE MARCH 5, 2001 MEETING

Ms. Wechsler questioned on page 5, how the figure of \$1 million was arrived at. Mr. Baker responded by explaining the funds are \$1 million for nonpoint source and \$0.5 million for stormwater. Mr. Shaw noted on page 4 under item 2, fourth line up, the phrase “were not taken” should have been removed. Also on page 5, 2nd paragraph, 3rd line down reads “been a substantial initiative being conducted”, should read “been a substantial initiative conducted”, removing the word “being”. Mr. Shaw also noted on page 2, item 1, under Financial Assistance Status Report, 3rd line down reads “grant finds received”, should read “grant funds received”.

Action Taken: **It was moved by Mayor Cushing, seconded by Ms. Bunker and unanimously carried to approve the minutes of the March 5, 2001 meeting with the noted changes.**

Operator Certification Program Annual Report: Mr. Dunn, chairman of the Utah Wastewater Operator Certification Council, introduced the members of the certification council: Lonn Rasmussen, Vice-Chair, Jon Adams represents the operators, Gordon Champneys represents the private sector, Jeff Richins represents the municipal wastewater management systems, Brett Borup a member of the Civil & Environmental Engineering Department of BYU, Jim Callison represents vocational training at UVSC, Jay Pitkin represents Division of Water Quality and is a non-voting member. Others to be recognized are Walt Baker, Paul Krauth and Julie Argyle who contribute greatly to the council. The council has two separate testing periods during the year, one in April and the other in November. During the year 2000 DWQ taught 14 training classes to approximately 217 operators for continuing education units. Other training was offered through Utah Valley State College, Water Environment Association of Utah and the Rural Water Association of Utah. Mr. Dunn referred the Board to the year 2000 annual report containing the statistics of all certification activity during the year. Mr. Ostler pointed out that there is a lot of work being done by the council without funding being given through the legislature.

Enforcement Update: Mr. Pehrson reviewed three enforcement actions which were taken:

Moroni Feed-

Moroni Feed actually operates the sewage/wastewater treatment plant for the City of Moroni and has been in compliance until this past year. The violations were due to, a blood spill and a change they made to their killing operation. The wastewater treatment plant is also operating very close to plant capacity. Settlement was negotiated with a total penalty of \$24,346 comprised of an in cash penalty of \$11,346 and \$13,000 for two mitigation projects. A plant evaluation must also be conducted to determine existing and future expansion needs.

Kennecott Utah Copper Corporation-

The settlement covers violations from 1995-1999 and were also of great interest to EPA. This was a very complicated enforcement action as there were a lot of legal issues raised by Kennecott. Half the violations were associated with an internal stream from the sewage treatment plant. The remaining violations were associated with the tailings ponds. The penalty totaled \$362,800 of which \$125,000 would be an upfront cash payment. The remaining 237,800 is to go towards three mitigation projects consisting of: 1) Jordan Riverbend Restoration - \$40,000, 2) Upper Jordan River - Aquatic Ecosystem Restoration - \$75,000; 3) Lower Lee Creek Project \$122,800, as outlined in agreement. Mr. Shaw

asked if Kennecott is now in complete compliance. Mr. Pehrson confirmed they are in compliance.

Kearns Improvement District -

Mr. Pehrson wanted this to be presented to the Board to make them aware that at times the Local Health Departments also takes enforcement actions based upon the Utah Water Quality Act. The Kearns District discharged approximately 400,000 gallons of raw sewage per day over a five month period to the Jordan River. The spill was caused by an undetected cross connection with a storm drain. Kearns paid a total penalty of \$64,382 to Salt Lake County which initiated this action. Actions such as this are coordinated closely with this office.

LOAN PROGRAM

1. **Financial Assistance Status Report** - Ms. Hess updated the Board on the “Summary of Assistance Program Funds” as outlined under Tab 4.1.
2. **Goshen Town Planning Advance (Action Item)** - J.D. McDonald introduced Roger Jensen, councilman from Goshen, and Alton Anderson representing Sunrise Engineering. Goshen requested a planning advance to investigate the suitability of the town’s existing underground wastewater disposal systems. South Utah County has entered into a study which will make recommendations on regionalizing wastewater treatment in ten cities, including Goshen. Goshen’s study would help determine if the town will ultimately participate in this regionalization plan. Goshen will contribute \$2,000 to the study and requested a \$33,000 planning advance from the Water Quality Board to complete the study. Mr. Shaw asked if Goshen understood special condition number 1 and questioned how the town would repay the planning advance if a project was delayed for a lengthy period of time. Mr. Jensen replied that the town understood and accepted the special condition. Ms. Nielson clarified that special condition number 1 applied only if the town decided not to go forward with a project and not if the project was simply delayed. It was indicated that the Board could decide the issues of repayment or delay based upon the merits of the specific case. Mr. Child added that the planning advance would ultimately be added onto the loan amount for a project if and when a project proceeded. Mr. Baker reviewed what has been done in the past when communities have not initiated a project after having received a planning advance. Ms. Nielson pointed out the Board’s desire to encourage communities to study their wastewater needs and supported the condition requiring repayment. Staff recommended the Water Quality Board authorize a \$33,000 planning advance to Goshen Town to complete a facility plan, subject to the special conditions outlined in the feasibility report.

Action Taken: **It was moved by Mayor Thompson, seconded by Ray Child, and unanimously carried to approve a \$33,000 planning advance for Goshen Town, subject to the special conditions outlined in the staff’s feasibility report.**

3. **Coalville City - 1st & 2nd Hearing (Action Item)** - Mr. Atwood introduced Mayor Johnson and Dennis Gunn of Coalville City. Mr. Atwood explained that Coalville City is requesting \$280,000 from the Water Quality Board to fund the replacement of a main sewer trunkline in the city. Coalville City has struggled with infiltration and inflow (I/I) coming into the collection system. Treating this extraneous water at the treatment facility has resulted in higher treatment costs and limits the available hydraulic capacity at the plant. After analyzing the collection system, the city has determined it needs to replace the sewer line. The City has explored two other alternatives and

found the recommended alternative to be the least costly. Mr. Shaw asked if the engineer had thoroughly explored the problems involved with lateral installation and had budgeted sufficient funds to complete this task. Mr. Gunn responded that the city's engineer has worked with a contractor who is quite familiar with the process and that the city is comfortable with the project budget. Staff recommended the Water Quality Board authorize a loan to Coalville City in the amount of \$280,000, with a 20-year term and an interest rate of 4.0%, subject to the special conditions outlined in the feasibility report.

Action Taken: It was moved by Mayor Cushing, seconded by Nan Bunker, and unanimously carried to approve a 20-year, 4.0% loan in the amount of \$280,000, subject to the special conditions outlined in the staff's feasibility report.

4. **Pleasant Grove City (Action Item)** - Mr. Beavers introduced Frank Mills, City Administrator of Pleasant Grove City. The city requested a \$553,000 loan for the planning, design and construction of upgrades and extensions of its wastewater collection system. The city will contribute \$100,000 to the project. Mayor Cushing asked for confirmation that the city can meet the 10-year repayment schedule. Mr. Mills responded that it could. Staff recommended the Water Quality Board authorize a loan to Pleasant Grove City in the amount of \$553,000, with a 10-year term and an interest rate of 4.0%, subject to the special conditions outlined in the feasibility report.

Action Taken: It was moved by Mayor Cushing, seconded by Ann Wechsler, and unanimously carried to approve Pleasant Grove City's request for a \$553,000, 10-year, 4.0% loan, subject to the special conditions outlined in the staff's feasibility report.

5. **Nibley City (Canceled)** - Mr. Beavers explained that Nibley City had opened bids on its wastewater project and they were higher than expected. The city wished to review its options more fully before returning to the Board to request additional funds.
6. **Salina City (Action Item):** Mr. McDonald introduced Mayor Evelyn Nielson of Salina City and Mr. John Chartier of Sunrise Engineering. Salina City requested an increase of \$400,000 for the expansion of the city's wastewater collection system. The bids for Phase II of the collection system construction were \$300,000 more than the engineer's original estimate. The city expressed a desire to move ahead with the project and Division of Water Quality staff agrees. Staff recommended the Water Quality Board authorize a loan to Salina City in the amount of \$400,000, with a 20-year term and an interest rate of 0%, subject to the special conditions outlined in the feasibility report.

Action Taken: It was moved by Mayor Thompson, seconded by Mayor Cushing, and unanimously carried to approve Salina City's request for a \$400,000, 20-year, 0% interest loan subject to the special conditions outlined in the staff's feasibility report.

BOARD ACTIONS

1. **Presentation of the FY 2002 SRF Intended Use Plan (IUP) and a request to initiate a public comment period (Action Item):** Ms. Hess directed the board to Tab 5.1. The funds are divided into three areas: Potential State Revolving Fund Projects, Potential Rural Community Hardship Grant Projects and Potential Utah Wastewater Loan Program Projects. Major changes in this

year's SRF IUP include allowing an extended 30-year loan term to disadvantaged communities (Fairview, Nibley and Millville). Another change is the transfer of \$2 million dollars from the Water Quality Hardship Grant fund to the Utah Wastewater Loan Program fund. Mr. Baker clarified that projects will not be offered loan terms which extend beyond the useful life of the facilities which are constructed .

Action Taken: **It was moved by Mr. Adams, seconded by Ms. Bunker, and unanimously carried to authorize the staff to proceed to solicit public comment.**

REQUESTS TO INITIATE RULEMAKING

1. **Request to initiate rulemaking on R317-101 and R317-102 (Action Item)** - Mr. Baker referred the board to Section 6 and outlined the proposed changes to these rules which allow the Water Quality Board to administer loans for nonpoint source pollution projects, underground wastewater disposal system projects and stormwater projects.

Action Taken: **Motion for public comment on R317-101 was moved by Mr. Adams, seconded by Ms. Bunker, and unanimously carried to authorize staff to proceed with the rulemaking process.**

Motion for public comment on R317-102 was moved by Dr. Nielson and seconded by Mr. Child, and unanimously carried to authorize staff to proceed with the rulemaking process.

2. **Request to initiate rulemaking on R317-100 (Action Item)** - Ms. Quick outlined changes to R317-100. Revisions to the rule allow a less labor intensive system for ranking point source pollution projects. The changes also provide for the prioritization of underground wastewater disposal system and nonpoint source pollution projects. The point source project priority system will address municipal wastewater and stormwater projects. Under the proposed rule all types of wastewater projects would be given an "alpha" priority ranking based on broad water quality criteria. Only the projects that are on the SRF Intended Use Plan (IUP) would be given a "numeric" priority ranking. Mayor Thompson asked how the priority of regionalized wastewater treatment projects would be affected. Ms. Quick indicated that criteria exist to prioritize these type of projects.

Action Taken: **It was moved by Ms. Wechsler, seconded by Ms. Bunker, and unanimously carried to authorize the staff to proceed with the rulemaking process.**

3. **Request to initiate rulemaking, UPDES Permit Program, UAC R317-8, Bypass provisions (Action Item)** - Mr. Pehrson explained there are some gaps in the current rules in how we handle bypasses. They include the lack of notification requirements when a bypass occurs and the need to evaluation alternatives making sure the bypass is necessary. As approved by the board, proposed changes were sent out for informal comment. As a result of comments received and from meetings with interested stakeholders some changes were made. Mr. Shaw invited representatives from the mining and manufacturing industry to speak. Mr. Tom Bingham, President of the Utah Manufacturing Association, and Greg Freedy, President of Utah Mining Association, explained they had a chance the review this rule and believe the revisions reflected in this document will do a better job. One concern is the 10 day window for modification is not long enough, but fear the 90 days

may be a little too long and would prefer something in between. This has been discussed with water quality staff and suggested a 60 day notice, but will support what ever is decided.

Action Taken: **It was moved by Mayor Thompson, seconded by Ms. Bunker, and unanimously carried to authorize the staff to proceed to public comment.**

4. **Request to initiate rulemaking on R317-11, (Action Item)** - Mr. Ostler distributed a Draft Rule handout which included a few additional changes as compared to the mailed packet. In section 6.35-1 is a memo explaining the new rule resulting from the legislation passed in the last session. HB 14 was passed as sponsored by Rep Tom Hatch. Mr. Ostler recommended the board authorize him to send a note to Rep. Hatch thanking him for the work he did with this bill. The bill amends the Utah Water Quality Act to require a certification program for those involved in the designing, installing and maintaining underground disposal systems. The bill uses the term “Underground waste water disposal system”, which requires changes to several existing rules for consistency. The rule provides for a one time fee of \$25.00 for all new septic systems installed in the State. The purpose of the fee is to generate sufficient revenues for a training center for those involved in this work. The rule proposes three certification classifications. The rule allows private homeowners to do their own work provided they are supervised by someone who is certified. There is provisions in the rule for renewal by attending a 2-4 hr training session. Renewal would be five years, and for alternate systems certifications renewal would be every two years. There has been some difficulty with the effective date. The legislation set the date of January 2002 for everyone to be certified. If we work as fast as we can, with the adoption of this rule, would not be ready until August 2001, so from August to January everyone would need to be informed and trained to be certified, which is not possible. We were able to add a six month administrative extension through provisions in the rule of a temporary certification.

Action Taken: **It was moved by Mr. Adams, seconded by Ms. Wechsler, and unanimously carried to authorize the staff to proceed with public comment and requesting Mr. Ostler write a note to Rep. Hatch in behalf of the Board.**

OTHER ACTION ITEMS

1. **Central Valley Water Reclamation Facility:** Mr. Pehrson introduced Reed Fisher from Central Valley. Results of the TMDL analysis required Central Valley to meet a minimum DO concentration of 5.0 mg/l during the spring, summer and fall seasons and 4.0 mg/l during the winter season. Central Valley will have difficulty meeting the winter requirements, and they are therefore requesting a compliance schedule to meet the new dissolved oxygen limits. The purpose of the request for the extension is to give Central Valley the time necessary for construction and not be penalized for being out of compliance since they were only recently given this requirement. Mr. Child commented on the problems related with the parkway, affirming his agency is not the sole generator of the oxygen sag in the river.

Action Taken: **It was moved by Mr. Adams, seconded by Mayor Thompson, and unanimously carried, with Mr. Child abstaining to approve the extension.**

2. **Authorization for Don A. Ostler and Walter L. Baker to Act in Behalf of the Water Quality Board in Authorizing and Executing Loan Agreements for Nonpoint Source Pollution and Underground Wastewater Disposal System Projects.** Mr. Baker indicated that Mr. Ostler and himself have previously been designated to be signatories on behalf of the Water Quality Board to execute loan and grant agreements for wastewater projects authorized funding by the Board. The Board will soon begin making loans to individuals for nonpoint source pollution (NPSP) and underground wastewater disposal system (UWDS) projects. The Board believes it to be more efficient and advantageous to have the Executive Secretary to the Water Quality Board, Don Ostler, receive the funding applications for and authorize the funding to all NPSP projects for which the funding request is less than \$150,000. Similarly, Mr. Ostler would receive the funding applications for and authorize the funding to all UWDS projects for loans less than \$150,000. To facilitate the operation of these two new loan programs it is desirable to have Mr. Baker serve as a second signatory with Mr. Ostler for the execution of loan agreements for NPSP and UWDS projects.

Action Taken: It was moved by Dr. Nielson, seconded by Mr. Child, and unanimously carried, to authorize Don Ostler and Walter L. Baker to act in behalf of the Water Quality Board for authorizing and executing NPSP and UWDS project loans.

NEXT MEETING

The next meeting of the Board is scheduled to be held on June 15, 2001 at the Vernal City Hall, Vernal Utah beginning at 10:00 a.m.

K. C. Shaw, Chairman